

# FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) WT Docket No.: 96-41  
)  
)  
LIBERTY CABLE CO., INC., ) File Nos.:  
for Private Operational ) 70877 WNTT370  
Fixed Microwave Service ) 708778, 713296 WNTM210  
Authorization and ) 708779 WNTM385  
Modifications ) 708780 WNTT555  
) 708781, 709426, 711937 WNTM212  
New York, New York ) 709332 (New)  
) 712203 WNTW782  
) 712218 WNTY584  
) 712219 WNTY605  
) 713295 WNTX889  
) 713300 (New)  
) 717325 (New)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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	)	713300		(New)
	)	717325		(New)

Courtroom 2  
FCC Building  
2000 L Street, N.W.  
Washington, D.C.

Tuesday,  
January 28, 1997

The parties met, pursuant to notice of the Judge,  
at 9:36 a.m.

BEFORE: HON. RICHARD L. SIPPEL  
Administrative Law Judge

APPEARANCES:

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## FEDERAL COMMUNICATIONS COMMISSION

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Howard Barr					
By Mr. Spitzer	1789		1959		
By Mr. Beckner		1810 1874			
By Mr. Holt		1927			
By Mr. Weber		1941		1961	

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>TW/CV:</u>			
44	1811	1811	
45	1830	1830	
46	1969	1969	
13	Prev. (447)	1969	
47	1971	1972	
48	1972	1974	(Rej.)
49	1975	1976	

Hearing Began: 9:36 a.m.      Hearing Ended: 5:01 p.m.  
 Recess Began: 12:05 p.m.      Recess Ended: 1:15 p.m.

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P R O C E E D I N G S

9:36 a.m.

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JUDGE SIPPEL: This morning we are to take the testimony of Mr. Howard Barr. Are there -- and I noticed, Mr. Barr, that you are represented by Mr. Gutmann?

MR. GUTMANN: Peter Gutmann, Your Honor, with the law firm of Pepper and Corazzini.

JUDGE SIPPEL: Okay. Are there any preliminary matters?

MR. WEBER: Yes, Your Honor. If you recall yesterday, we, the Bureau, were requesting a new schedule, and the parties have worked out a schedule, and we would like to propose it to you at this time.

JUDGE SIPPEL: Go right ahead.

MR. WEBER: On the 7th of February, all proposed corrections to the transcript would be submitted. On the 14th of February, Liberty will file its opposition to Time Warner's motion regarding discovery. On the 21st of February, the Bureau, Time Warner, and Cablevision would file their reply to Liberty's opposition to the discovery motion.

JUDGE SIPPEL: That's 21 February?

MR. WEBER: Yes, Your Honor.

JUDGE SIPPEL: Got it.

MR. WEBER: On the 28th of February, all parties

1 will file their proposed findings of fact and conclusions of  
2 law; and on the 7th of March, their replies to those  
3 proposed findings would be filed.

4 JUDGE SIPPEL: Okay. One week before the Ides of  
5 March. That's certainly acceptable to me, and I will set  
6 that down in an order, if not this afternoon, by tomorrow.

7 MR. WEBER: Thank you, Your Honor.

8 JUDGE SIPPEL: You're welcome. Do we have  
9 anything else? I'm sorry, Mr. Spitzer?

10 MR. SPITZER: Just one very small matter, Your  
11 Honor. There had been a request for Mr. Barr's desk  
12 calendar, and we have distributed copies to counsel. It is  
13 Bates number FCC/CP017979, and we just handed that out this  
14 morning.

15 JUDGE SIPPEL: Thank you. Will there be any --  
16 does anybody anticipate at this point whether or not it will  
17 be used for examination purposes? The reason that I raise  
18 that is because of marking, and copies to the reporter. No?  
19 I will take that as nobody knows yet.

20 MR. SPITZER: I'm trying to figure that out, Your  
21 Honor.

22 JUDGE SIPPEL: Yeah, that's all right. That's  
23 okay. We will take it as we come to it. I have some things  
24 that I want to go over, but I'm going to wait until after  
25 Mr. Barr's testimony is completed. I mean, it is more in

1 the nature of administrative and some standards that I  
2 believe should be applicable in proposed findings.

3 Do we anticipate that Mr. Barr can be completed  
4 this morning, or hoping?

5 MR. SPITZER: We will not be an impediment to  
6 that, Your Honor.

7 JUDGE SIPPEL: All right. Thank you, Mr. Spitzer.  
8 I'll accept that. Very well. Then let's proceed. Produce  
9 your witness, please.

10 MR. SPITZER: Liberty Cable calls Mr. Howard Barr.

11 JUDGE SIPPEL: Mr. Spitzer.

12 MR. SPITZER: Thank you, Your Honor.

13 Whereupon,

14 HOWARD J. BARR

15 was called as a witness, and having been first  
16 duly sworn, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SPITZER:

19 Q Mr. Barr, could you please state for us for the  
20 record your full name, and your home and business addresses?

21 A Howard J. Barr, and my home is 910 Elm Avenue,  
22 Takoma Park, Maryland. My business is 1776 K Street,  
23 Northwest, Washington.

24 Q And the name of the firm by which you are  
25 employed?

1 A Pepper and Corazzini, L.L.P.

2 Q Could you please tell us what your educational  
3 background is?

4 A I received my undergraduate degree in 1983 from  
5 Ogelthorpe University, and my Juris Doctor from the  
6 University of Louisville in 1986.

7 Q Could you tell us, please, what your first job was  
8 where you were employed as an attorney?

9 A I clerked for a Judge.

10 Q And which Judge, and where?

11 A It's Judge Vince Emea, and he was a State Court  
12 Judge in Maryland.

13 Q And the dates of that employment roughly?

14 A The summer of -- I believe it was June of '87  
15 until June of '88.

16 Q Subsequent to clerking for the Judge, what was  
17 your next legal position?

18 A I went from there right to Pepper and Corazzini.

19 Q As an associate or as a partner?

20 A As an associate.

21 Q When did you become a partner of Pepper and  
22 Corazzini?

23 A March of '96.

24 Q Could you describe for us briefly, please, what  
25 the nature of your practice was from 1988 when you joined



1 Pepper and Corazzini through the present?

2 A Yes. Well, broadly, communications. When I first  
3 came to the firm, I worked largely on broadcast related  
4 matters. That changed in about mid-'92 when I started to  
5 focus on more non-broadcast matters.

6 Q And after that the focus then became what, if  
7 there was a specific focus?

8 A Mostly representation of our cable, and our cable  
9 clients, and for alternative cable clients.

10 Q Was Liberty Cable Company a client of the firm  
11 when you arrived at the firm in 1988?

12 A I believe it was, yes.

13 Q Since roughly early '94, approximately how many  
14 clients have you worked for?

15 A Since '94? You know, I can't place a specific  
16 number on it. You know, 40 or more, more than likely.

17 Q At what point in time did you begin to do a  
18 substantial amount of work for Liberty Cable Company?

19 A It wasn't until the spring of '94 that I started  
20 to do substantial work for them.

21 Q And at that point in time were you the senior  
22 attorney doing regular work for Liberty Cable?

23 A Well, in '94, my work for Liberty was related to  
24 copyright matters. So, I'm not sure that I completely  
25 understand your question.

1           Q     Why don't we do this? Why don't we limit  
2     questioning from now on to the period in the spring of '94  
3     to the end of April of '95 time frame, just for the sake of  
4     clarity. Why don't you tell us what the nature of the work  
5     was that you did for Liberty in that time frame?

6           A     Well, the firm was responsible for Liberty's  
7     applications for 18 Gigahertz (GHZ) authorizations. That  
8     was not my primary responsibility. In '94, an associate of  
9     ours by the name of Jennifer Richter was primarily  
10    responsible for that. As I said, I started to get  
11    substantially involved with Liberty in the spring of '94  
12    with regard to copyright matters.

13          Q     Did Ms. Richter leave the firm at some point in  
14    '94?

15          A     Yes. She left in mid-'94.

16          Q     And did somebody else join Pepper and Corazzini,  
17    and essentially take over her position then?

18          A     Yes. Michael Lehmkuhl arrived at the firm  
19    approximately with Jennifer's leaving. There might have  
20    been some overlap, or there might not have been, but he  
21    assumed the work from Jennifer, the application type work  
22    that Jennifer had been doing.

23                 Given Michael's newness, I assumed some  
24    supervisory authority over his preparation of those  
25    applications, but he was by and large exclusively

1 responsible for the preparation. I would look at them  
2 before they went out to make sure that the i's had been  
3 doted, and the t's had been crossed, and such like that.

4 Q You have referred to copyright work that you did,  
5 and an application process that Mr. Lehmkuhl handled. Other  
6 than those two large substantive areas, was there other work  
7 that Pepper and Corazzini did for Liberty Cable?

8 A No.

9 Q Was there any general policy advisory role that  
10 Pepper and Corazzini played?

11 A No. The only type policy work that we had ever  
12 really done for Liberty was in the late '80s with respect to  
13 opening up the 18 Gigahertz (GHZ) band to the type of  
14 service Liberty provided. Todd Parriott, of our firm,  
15 filed the petition for rule making to open up the 18  
16 Gigahertz (GHZ) band.

17 And he did a lot of work with respect to that, but  
18 beyond that, we didn't really have any policy type  
19 relationship with Liberty, or at least I didn't.

20 Q Did anybody assist you with respect to the  
21 copyright work that you were doing?

22 A Yes. I had an associate that was doing some of  
23 the more administerial work with respect to that, Chuck  
24 Keller, who is no longer with us.

25 Q And did he work with Mr. Lehmkuhl in any way on

1 the 18 Gigahertz (GHZ) applications?

2 A No.

3 Q Again, during the period that I have referred to,  
4 which was the spring of '94 through the end of April of '95,  
5 can you describe for us what contact, if any, you had with  
6 Howard Milstein?

7 A In that time frame, I don't think I ever spoke  
8 with Howard Milstein.

9 Q Had you met him prior to the spring of '94?

10 A No. I have never met Howard Milstein.

11 Q Can you describe for us your contact with Edward  
12 Milstein during this same time frame?

13 A I've had probably several contacts with Edward,  
14 mostly related to the copyright work that we were doing for  
15 them. I met Edward on one occasion, and that was for a  
16 meeting with the Motion Picture Association.

17 Q And what was the substantive issue?

18 A Copyright related.

19 Q Could you tell us again during the same time frame  
20 what your -- what the regularity, if there was any  
21 regularity, was with respect to your contact with Peter  
22 Price?

23 A There was no regular contact. It wasn't as if  
24 Peter and I had a -- you know, a weekly call. We spoke  
25 about the copyright matters on an as needed basis.

1           Q     Beyond that was there any contact with Peter --  
2     with Mr. Price?

3           A     No.

4           Q     Could you tell us what your contact was with Mr.  
5     Behrooz Nourain, again during this same time frame?

6           A     Also very limited. I met Behrooz once, and I  
7     believe it was in the late summer or early fall of '94. He  
8     happened to be in town, and Michael was new to the firm, and  
9     he came by primarily to meet Michael, and also to talk to us  
10    about the possibility of obtaining a cars (phonetic)  
11    authorization for another service that they were  
12    considering.

13          Q     I would like to focus now on the period of January  
14    of '95, early January of '95, through the end of April of  
15    '95. Did you during that time frame discuss with anybody at  
16    Liberty the petitions to deny that Time Warner had filed?

17          A     Well, I initially discussed them with Peter Price  
18    when the first one hit my desk in early January.

19          Q     Do you remember what the substance of that  
20    conversation was?

21          A     Like upon receiving it, I recall calling Peter,  
22    and letting him know that this had been filed. I think I  
23    generally briefed him on the sum and substance of the  
24    allegations. He asked me what the effect of this was, and I  
25    stated in general, I think, that a petition to deny is going

1 to slow down the application process. It is going to delay  
2 a grant of the applications that were petitioned.

3 Q Do you know if you spoke with anybody else at  
4 Liberty Cable about the petitions over the course of the  
5 first three months or four months of 1995?

6 A At Liberty Cable? No, not between April and that  
7 January. No, I didn't speak to anybody.

8 Q Did there come a time when you found out that  
9 Liberty Cable Company was providing service prematurely on  
10 paths that had not been authorized?

11 A Yes.

12 Q Do you remember when you found that out?

13 A I believe it was April 22nd.

14 Q Could you describe for us -- let me withdraw that.  
15 Before that date did you have any idea that there was  
16 premature service being provided by Liberty Cable?

17 A No.

18 Q Before that date had you heard anybody suggest  
19 that there was premature service?

20 A No.

21 Q If you could describe for us the events on June  
22 7th that led to this discovery on your part?

23 A I attended a meeting at Henry Rivera's office at  
24 Ginsberg, Feldman and Bress. I was there, and Henry was  
25 there, and Lloyd Constantine from your firm was there, and

1 Larry Solomon, also of the Ginsberg firm, may or may not  
2 have been there. I can't recall.

3 We had a conference call with Peter Price, and --  
4 to discuss a number of issues, I think, relevant to the  
5 petitions. And during the course of that conversation,  
6 Peter expressed that service was being provided to a number  
7 of locations for which no authorizations had been granted.

8 Q Could you tell us -- again, what was, to the best  
9 of your recollection, was the reason that the conference  
10 call had been initiated originally?

11 A Concern about where matters stood. The petitions  
12 had been filed in early January, and here it is late April.  
13 Nobody could say with any degree of certainty when the  
14 petitions might be acted upon, and when the applications  
15 might be acted upon.

16 And so the conference was to discuss -- really  
17 though to discuss those issues. There had been concern  
18 about the delays that were already experienced, and it  
19 appeared would continue to be experienced.

20 Q And again you may have testified to this already,  
21 but where was Mr. Price, if you know?

22 A He wasn't in the room. I think he was in New  
23 York.

24 Q Okay. So there were three, or possibly four, of  
25 you at Mr. Rivera's firm, and Peter Price was, you think, in

1 New York, but certainly not there?

2 A Right.

3 Q Do you remember how he raised or what he said when  
4 he raised the issue of potentially premature service?

5 A I don't recall specifically what initiated his  
6 relaying that information, but I just seem to recall that he  
7 indicated that they were -- that Liberty was operating at  
8 several locations.

9 Q What was your reaction when you heard this?

10 A Shock.

11 Q And do you remember what Mr. Rivera's reaction  
12 was?

13 A About the same.

14 Q And Mr. Constantine's reaction?

15 A You know, also concern; a little more measured  
16 than ours. I think Lloyd tends to be skeptical of things  
17 that he hears.

18 Q When the issue arose was there certainty that  
19 there was premature service or was this an issue that needed  
20 to be pursued?

21 A No, I don't think that there was really any  
22 certainty. I -- again, when Peter expressed that service  
23 was being provided to these locations, I conveyed to him  
24 that this was a serious violation, assuming that it is true.  
25 I recall Peter being somewhat taken back by this, and --



1 JUDGE SIPPEL: Peter being Mr. Price?

2 THE WITNESS: Peter Price, yes; and it being  
3 discussed that there was a need to look into this, and,  
4 number one, determine if it was really true; and, number  
5 two, determine how and why it happened.

6 BY MR. SPITZER:

7 Q And was there any understanding about the  
8 necessity of reporting this to any government regulatory  
9 agencies?

10 A Yes, I think so. I think I had conveyed at that  
11 time that ideally service would be discontinued to these  
12 locations, and that the Commission ought to be apprised of  
13 the situation.

14 Q Was there --

15 A And I think there was a general sense that the  
16 Commission -- there was a general agreement that, yes, the  
17 Commission did need to be apprised of this. But by the  
18 same token, it needed to be investigated, and that such a  
19 divulgence wouldn't take place that afternoon, or -- you  
20 know, wouldn't take place until the facts were discovered.

21 Q Who subsequently undertook to investigate the  
22 issues that had been raised in this conference call?

23 A The onus was placed primarily, I think, on Mr.  
24 Price. He was in New York, and all of the relevant  
25 documentation and information was in New York.

1           Q     Why was it that if your firm was responsible for  
2     filing license applications and handling that aspect of  
3     Liberty's licensure that you didn't have the information in  
4     your office?

5           A     Well, again, that's all we really did, was prepare  
6     the applications. I think we were -- and again Michael was  
7     largely responsible for the application preparation, but we  
8     didn't have information, any information really relevant to  
9     it other than when applications were filed. We had licenses  
10    in our files, but since those went directly to Liberty from  
11    the Commission and not to us, we relied on Liberty to  
12    provide us copies of their licenses.

13                So -- excuse me -- if Liberty didn't send us a  
14    copy of a license, well then we likely didn't have it in our  
15    files.

16           Q     So it was your view and the consensus on that date  
17    that Liberty would theoretically at least have the more  
18    complete file of licenses?

19           A     Yes.

20           Q     And do I understand that you -- did you have any  
21    records at your firm of what paths Liberty had activated?

22           A     No.

23           Q     Did you tell Mr. Lehmkuhl about this issue on the  
24    27th or the 28th to the best of your recollection?

25                (Continued on next page.)

1 A I don't recall doing that.

2 Q Do you recall that on May 4th you filed a series  
3 of STAs on behalf of Liberty Cable?

4 A What year are we talking about?

5 Q 1995. I'm sorry. All of this, Your Honor, is  
6 1995.

7 A Yes, I recall that STAs were filed then.

8 Q Who was involved in drafting those STAs?

9 A Mr. Lehmkuhl, I've reviewed them after Michael  
10 drafted them. Though I -- we discussed I think the general  
11 course probably, the subjects that should be addressed.  
12 Henry Rivera reviewed them. Peter Price reviewed them. I  
13 think Lloyd, copies were sent to your office as well to Mr.  
14 Constantine.

15 Q Did those STAs disclose that there was premature  
16 service on some of the paths with respect to which the STAs  
17 were being filed?

18 A No.

19 Q Why not?

20 A Still at that time I don't think the sum and  
21 substance of the commencement of service was fully fleshed  
22 out. And there was a sense that not to sort of divulge this  
23 on a -- on a piecemeal ongoing basis. To try and gather  
24 what could be gathered and divulge it as far as possible all  
25 at once.

1           Q     Do you recall if there was a surreply a document  
2     entitled a surreply filed with the Commission filed on May  
3     17 of 1995?

4           A     Yes, I recall that.

5           Q     Who -- who was involved in drafting that document?

6           A     Largely the same people.  Myself, Henry Rivera,  
7     probably Larry Solomon.  I think he was doing was fairly  
8     involved over at Ginsberg.  Lloyd Constantine, Leslie  
9     Spasser as well of your firm.  And -- and of course well  
10    Peter Price and Behrooz Nourain supplied the -- the  
11    substantive information that was conveyed through that  
12    filing.

13          Q     Do you recall whether in that document, the May  
14    17th surreply there was a disclosure about premature  
15    service?

16          A     Yes, that was the purpose.

17                JUDGE SIPPEL:  Was that the first disclosure to  
18    the Commission?

19                THE WITNESS:  Yes, sir.

20                JUDGE SIPPEL:  And on your -- the conference call,  
21    was it -- who initiated that conference call?  April 27th?

22                THE WITNESS:  I'm not sure who arranged it.  It  
23    was -- in -- it was a prearranged conference.  In terms of  
24    who made the phone call, I'm not sure.

25                JUDGE SIPPEL:  So you went over to the Ginsberg

1 law firm knowing that you were going over there for the  
2 purpose of having a conference call?

3 THE WITNESS: Yes.

4 JUDGE SIPPEL: Was that the purpose?

5 THE WITNESS: Yes, and for the purpose of meeting  
6 with Lloyd and Henry, yes.

7 JUDGE SIPPEL: About the -- the subject of that  
8 meeting was the -- the petitions?

9 THE WITNESS: Yes. I --

10 JUDGE SIPPEL: Wait just a second please.

11 THE WITNESS: I'm sorry.

12 JUDGE SIPPEL: Was that a -- was that a conference  
13 call that was set up in a -- a -- in a -- a regular way? I  
14 mean in the sense that you knew -- how early before the  
15 conference call was going to take place were you notified  
16 about it so that you could, you know, arrange your time and  
17 whatnot?

18 THE WITNESS: I think it was that week. But I  
19 can't really be sure. I say I wrote it down on my calendar  
20 that this conference was to take place, but I don't really  
21 recall what day of the week I was asked if I could attend  
22 or, you know, advised that I was going to attend.

23 JUDGE SIPPEL: Then -- but it was a -- a-- there  
24 was a situation that you were --

25 THE WITNESS: It was at least a day before.

1 JUDGE SIPPEL: -- notified -- at least a day  
2 before or so?

3 THE WITNESS: Right. I wrote it on my calendar.  
4 If I had been called that day, I likely wouldn't have put it  
5 on my calendar.

6 JUDGE SIPPEL: And were you told at that time what  
7 the purpose of the meeting was? In other words, when you  
8 made -- when you set it up on your calendar, did you -- were  
9 you told what the purpose of the meeting was?

10 THE WITNESS: Specifically told -- it was to  
11 discuss the petitions that had been filed and -- and --

12 JUDGE SIPPEL: You were -- that's what you were  
13 told?

14 THE WITNESS: That was my understanding, yes.

15 JUDGE SIPPEL: Well how'd you get the  
16 understanding? Somebody told you? You were not setting  
17 this conference up I take it.

18 THE WITNESS: No I didn't set the conference up.  
19 I think -- I think it was Lloyd who set it up, but you know  
20 I can't be sure about that. But it was -- the purpose was  
21 to discuss -- discuss the petitions. Again they -- the  
22 petitions had been out there for several months. And there  
23 was a concern about when -- when action might be taken on  
24 the applications and the -- and the petitions.

25 JUDGE SIPPEL: Well was there any urgency to --

1 when -- to the notification that you received?

2 THE WITNESS: Any urgency for the notification for  
3 the meeting? No. I think it was convenient to do it that  
4 day because I believe Lloyd was in town on other business.  
5 Mr. Constantine, Lloyd Constantine.

6 BY MR. SPITZER:

7 Q Do you recall if on the 27th that there were  
8 already drafts of STAs that were being reviewed and edited?

9 A I believe that the STA process had already  
10 commenced, yes.

11 Q I just have two final questions. Does anybody at  
12 Liberty again in this time frame of -- did anybody at  
13 Liberty from Spring of '94 through the end of April '95, let  
14 you know before a building was going to be activate?

15 A No.

16 Q Did anybody ask your permission -- by your I mean  
17 either you or anybody at Pepper & Corazzini?

18 A No. Permission to --

19 Q Activate a building?

20 A No.

21 Q Did anybody, to your knowledge at Pepper &  
22 Corazzini retain a list of buildings that had been  
23 activated?

24 A No.

25 Q I have nothing further, Your Honor.

1 JUDGE SIPPEL: I just have one -- one question.  
2 One or two questions before Mr. Beckner begins cross  
3 examination.

4 What was the -- what was the relationship -- let  
5 me be a little bit more specific. Was there a -- was your  
6 firm on retainer with Liberty? I don't want to get into the  
7 details but were you -- was that the nature of the  
8 relationship that you had with Liberty?

9 THE WITNESS: No we did not have a -- they did not  
10 have a retainer with us, no.

11 JUDGE SIPPEL: Did they just call you up any time  
12 for advice? I mean "you" being, you know, Pepper &  
13 Corazzini? Whatever they might need.

14 THE WITNESS: Right. Peter could call me about  
15 something and that -- then I would bill him for that call.

16 JUDGE SIPPEL: So it would be -- well. Were --  
17 were the calls being made, were such calls being made on any  
18 kind of a -- regularity? With any degree of regularity I  
19 mean unless the -- obviously if the situation came up and  
20 you were calling on that situation, but I'm saying was there  
21 a regular flow of contacts between you and -- your firm and  
22 Liberty on legal matters in general?

23 Or was it just when things came up they would call  
24 you?

25 THE WITNESS: Well I -- I think between me and



1 Liberty, no. I did not have a regular course of conduct  
2 with everybody at Liberty such as, you know, Peter and I did  
3 not have a weekly phone conversation. Peter Price and I did  
4 not have a weekly or even monthly conversations to discuss,  
5 you know, things that were going on at Liberty, things that  
6 were going on, you know, at the Commission or in  
7 telecommunications in general.

8 We didn't have that type of relationship. I think  
9 Michael and Behrooz conversed probably fairly regularly with  
10 respect to Liberty's application process. It seemed like  
11 that was a a never ending job for Michael.

12 JUDGE SIPPEL: Who's client -- who's client was  
13 the -- was the Liberty account attributed to? I'm sorry. I  
14 didn't say that right. Who at the firm was -- was  
15 responsible for the -- for the Liberty account as a client?

16 THE WITNESS: Well I was again, beginning in that  
17 '94 time frame, you know, I assumed more of a supervisory  
18 role with regard to Liberty. Prior to '94 I had little or  
19 some contact with the client, not a great deal at that time.

20 From -- from about '92 until -- from mid '92 to  
21 say mid '94 Jennifer Richter of our firm was largely  
22 responsible for the account. Prior to then it was Todd  
23 Parriott.

24 JUDGE SIPPEL: But was there anybody -- was there  
25 a partner at Liberty during this time period, '94 -- '95 who